

MINUTES

INDIANA STATE BOARD OF DENTAL EXAMINERS

MARCH 7, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Burns called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Jill Burns, D.D.S., President
Laverne Whitmore, L.D.H. B.S., Vice President
Galen Williams, D.D.S., Secretary
Matthew Miller, D.D.S.
Richard T. Newton, II, D.D.S.
Charles Heape, D.D.S.
Theodore Rokita, D.D.S.
Clance LaTurner, Consumer Member

Board Members Absent:

Philip Catey, D.D.S.
Steven Hollar, D.D.S.
Gary Haller, D.D.S.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

WILLIAMS/WHITMORE
Motion carried 8-0-0

III. ADOPTION OF THE MINUTES FROM THE FEBRUARY 1, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the February 1, 2008 meeting of the Board.

WHITMORE/LaTURNER
Motion carried 8-0-0

IV. APPEARANCES

A. PROBATIONARY

1. State of Indiana v. Daniel J. Fink, D.D.S., License No. 12007602A
Administrative Cause No. 2006 DB 0006

Dr. Fink appeared before the Board, as requested, regarding his probationary status. He advised his address is still the same and he does not have a job but does have some opportunities in Illinois pending receipt of an Illinois license. He submitted his license renewal online without providing a written positive response statement. Dr. Fink wrote a statement for the Board so that the Board could consider the renewal of his license. Upon review his response; his license was approved for renewal.

2. State of Indiana v. Trevor Treasure, D.D.S., License No. 12010719A
Administrative Cause No. 2007 ISDB 0002

Dr. Treasure appeared before the Board, as requested, regarding his ongoing probationary status. He provided the Board with his work and home telephone numbers and stated he is doing well in the well-being program. He is in compliance with his probation order but told the Board he cannot find continuing education in the area of ethical prescribing. He presented some alternative programs for review by the Board concerning chemical dependency and health care. Dr. Williams reviewed the courses and determined they would be acceptable to meet the terms of his probationary order. Dr. Treasure also addressed the Board concerning the term (h) which states, "When DEA is comfortable with the reinstatement of Respondent's DEA number, Respondent may petition the Board for approval to reinstate his DEA number." He stated that the DEA would like a recommendation from the Board in order to reinstate his DEA. The Board advised him that it is too soon for them to make such a recommendation and they want to wait until they have received several good reports and then discuss it at a later date.

B. APPLICATION

C. RENEWAL

1. Richard E. Bruner, D.D.S., License No. 12010031A

Dr. Bruner cancelled his appearance before the Board regarding the renewal of his Indiana dental license. He requested his appearance to be rescheduled for May 2, 2008 so that he can obtain an attorney.

2. Atteyat Hadizadeh, D.D.S., License No. 12010727A

Dr. Hadizadeh cancelled her appearance before the Board regarding the renewal of her Indiana dental license due to bad weather and the driving conditions. She will be rescheduled for April 4, 2008.

V. ADMINISTRATIVE HEARINGS

A. State of Indiana v. Teresa Michelle McCrady, D.D.S., License No. 12010271A
Administrative Cause No. 2006 DB 0003
Re: Request to Modify Order of Probation

Parties and Counsel Present:

Respondent was present and was not represented by Counsel
Mark Mader, Deputy Attorney General for the State of Indiana

Felicia Warren, Court Reporter

Participating Board Members:

Dr. Burns (Hearing Officer)

Ms. Whitmore, L.D.H., B.S.

Dr. Williams

Ms. LaTurner

Dr. Newton

Dr. Miller

Dr. Heape

Dr. Rokita

Case Summary: The Respondent petitioned the Board for a hearing to modify the terms of her probationary order. Respondent has demonstrated full compliance with the probation order and stated she feels strong enough to begin lessening the terms with regards to the number of personal appearances she is making. Respondent requested to make quarterly appearances before the Board and discussed this with her counselor. She stated she will enter Phase III of drug court order this April and will no longer have to go there monthly. She expressed her desire to help those entering Phase I of drug court who want to be rehabilitated from their addictions and be successful. The State had no objections to the Respondent's request.

Board Action: A motion was made and seconded to grant the Respondent's request and modify the probationary order to require quarterly appearances. Her next appearance will be scheduled for June 6, 2008.

MILLER/NEWTON
Motion carried 8-0-0

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VIII. OLD/NEW BUSINESS

There was no old/new business before the Board.

IX. DISCUSSION

A. Mark Meister, D.D.S., License No. 12009598A

Administrative Cause No. 96 DB 005

Re: Request for Reinstatement of License

Dr. Meister submitted a request for a hearing to consider the reinstatement of his dental license. His license has been suspended in 1997 and now wants to pursue a career in dentistry again. The Board directed Ms. Vaught to schedule a hearing for the May 2, 2008 meeting.

B. M. Kent Smith

Dr. Smith introduced himself to the Board as the new Oral Health Director with the Indiana State Department of Health. He explained that historically the Department of Health conducted random spore compliance testing in dental offices. He stated that this random testing is not done in other professional offices that utilize autoclaves and they are considering discontinuing the random testing for dentists for two reasons. The first reason is that the Department of Health investigates all complaints concerning infection control. The second reason is dental offices have always had a rate of infection control and it does not seem necessary to single out one profession if they will not conduct random testing in other professions.

X. APPLICATION REVIEW

A. Endorsement

1. E. Robert Dick, D.D.S.

The Board reviewed the application file by endorsement for Dr. Dick. Dr. Dick is a 1975 graduate from the University of Louisville. He has taken and passed the National Boards Part I and II in 1977 and 1978 and the Southern Regional Testing Agency Examination (SRTA) in 1979. Dr. Dick is currently licensed in the state of Kentucky. On his application he answered "no" to all questions but his Healthcare Integrity and Protection Databank and National Practitioner Databank reports showed that he had a malpractice settlement in 2006. He then submitted a notarized statement explaining the difficulties he had with a patient. He advised there was no malpractice but he instructed the insurance company to settle with her in order to settle her dispute.

Board Action: A motion was made and seconded to approve Dr. Dick's application for dental licensure pending of taking and passing the law examination.

MILLER/NEWTON
Motion carried 8-0-0

2. Mohammed Salamah, D.D.S.

The Board reviewed the application file by endorsement for Dr. Mohammed Salamah. Dr. Salamah is a 2003 graduate from New York University. Dr. Salamah has taken and passed National Boards Part I and II in 1999 and 2002 and the North East Regional Board of Regional Dental Examiners (NERB) in 2002 and 2003. Dr. Salamah holds an active license in the state of Illinois, an inactive license in the state of Pennsylvania and a lapsed license in the state of Ohio. On his application he answered "yes" to question #7 asking, "Have you ever had a malpractice judgment against you or settled any malpractice action?" He explained in a notarized statement that in 2006 he had a malpractice settlement in Ohio for \$9,000.00 regarding a patient's root canal treatment. The Board requested that further information be requested regarding the malpractice settlement. Specifically about the follow-up treatment, how much work was redone following treatment and a copy of the patient's records.

3. Desiree D. Dech, L.D.H.

The Board reviewed the application file by endorsement for Ms. Dech. Ms. Dech is 1992 graduate of Indiana University Northwest. She has taken and passed National Boards in May 1992 and the Indiana State Board Examination in 1992. Ms. Dech holds a current license in the state of Missouri, an inactive license in the

state of Kentucky and an expired license in the state of Kansas. Ms. Dech's Indiana license expired on March 1, 1998. She has not continuously practiced as a dental hygienist since the expiration of her license in order to renew her license. She was required to reapply for a new license by endorsement. On her application she answered "yes" to question #3 asking, "Are you now, or have you ever been treated for drug or alcohol abuse?" She also answered "yes" to question #4b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained in a notarized statement that in 2003 she pled guilty to a DUI. She successfully completed all of the court mandated alcohol classes and served one (1) year on probation and underwent random urine testing. She stated she attends AA meetings on a regular basis and her sobriety date is December 3, 2003. The Board also took notice on her application that she claimed to have practiced in the state of Kansas in 2006 and the Kansas license verification shows her license expired December 1, 2005. The Board asked Ms. Vaught to schedule her for a personal appearance at the April 4, 2008 meeting.

B. Examination

There were no examination applications for the Board to review.

C. Anesthesia and Sedation Permits

There were no anesthesia and sedation permits.

D. Dental Intern Permit

There were no dental intern permit applications to review.

E. Mobile Dental Facility

There were no mobile dental facility applications to review.

F. Professional Corporations

There were no professional corporation applications to review.

XII. PROBATIONARY REPORT

A. James W. Cahillane, D.D.S.

Dr. Cahillane monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted. He is in compliance with his probationary order. His next appearance will be scheduled for November 2008.

B. Jim D. Frankos, D.D.S. – Dr. Williams stated he is in compliance.

Dr. Frankos' monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted. He is in compliance with his probationary order. His next appearance will be scheduled for April 4, 2008.

C. Christopher Leonard, D.D.S.

Dr. Leonard's monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted. Dr. Leonard has completed seventeen (17) hours of

community service at the Esperanza Center located in Greenwood. He has completed the community service hours required. Dr. Leonard has not submitted a report from his work site monitor, Jerry Hickman, D.D.S. since December 2008. Dr. Williams requested that Dr. Leonard be notified that he needs to have his work site monitor reports up to date for his next probationary appearance. His next appearance will be scheduled for April 4, 2008.

D. Bland Pope Walker, D.D.S.

Dr. Walker's monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted. Dr. Walker is in compliance with his probationary order.

XIII. CONTINUING EDUCATION

A. Dr. John A. Overman

Board Action: A motion was made and seconded to approve Dr. John A. Overman as a continuing education provider for the 3/1/2008 – 3/1/2010 biennium.

WILLIAMS/LaTURNER
Motion carried 8-0-0

B. Columbus Dental Forum

Board Action: A motion was made and seconded to approve Columbus Dental Forum as a continuing education provider for the 3/1/2008 – 3/1/2010 biennium.

WILLIAMS/LaTURNER
Motion carried 8-0-0

C. Bruce B. Wiland, D.D.S., MSD

Board Action: A motion was made and seconded to approve Bruce B. Wiland, D.D.S., MSD as a continuing education provider for the 3/1/2008 – 3/1/2010 biennium.

WILLIAMS/LaTURNER
Motion carried 8-0-0

D. Central Indiana Orthodontics

Board Action: A motion was made and seconded to approve Central Indiana Orthodontics as a continuing education provider for the 3/1/2008 – 3/1/2010 biennium.

WILLIAMS/LaTURNER
Motion carried 8-0-0

E. Brenda Stenftenagel, D.D.S.

Board Action: A motion was made and seconded to approve Brenda Stenftenagel, D.D.S. as a continuing education provider for the 3/1/2008 – 3/1/2010 biennium pending receipt of the \$250.00 fee and information on the number of credit hours she is offering.

WILLIAMS/LaTURNER
Motion carried 8-0-0

F. Westside Dental Study Club

Board Action: A motion was made and seconded to approve the Westside Dental Study Club as a continuing education sponsor for the 3/1/2008 – 3/1/2010 biennium.

WILLIAMS/LaTURNER

Motion carried 8-0-0

XIV. REPORTS

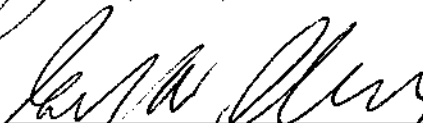
- A. The Board was given a handout to review that was written by Dr. Haller on the topic of license renewal and remediation and the Northeast Regional Board Examination.
- B. Dr. Rokita reported on teeth whitening and grills. Ms. Brown revised Dr. Rokita's statement and submitted a copy to the Board for review. Ms. Brown stated that statements of this subject matter must be approved by the Professional Licensing Agency before they can be published. Upon approval the Board can decide how they want to release or publish the statement.
- C. Dr. Heape reported on mobile dental facility research he has done and noted that lack of follow-up care is a concern. He discussed how Mississippi handles mobile facilities but mentioned that many states either do not address it or have very little written on the subject. Another issue concerns the relationship between the mobile facility and the organization where they perform dental services and perhaps the relationship could be controlled with a contract. He asked the Board to provide him with more direction.
- D. Ms. Vaught provided the Board with statistics for the dental and dental hygiene license renewal. A total of 3,707 dental licenses, 4,249 dental hygiene licenses, 3,223 controlled substance registrations, 206 dental anesthesia permits, and 7 mobile dental facilities have renewed for a grand total of 10,494 licenses.

XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 10:30a.m.


Jill Burns, D.D.S., President

4-4-08
Date


Galen Williams, D.D.S., Secretary

4/4/08
Date